

# Exhibit A

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

OVERTURE SERVICES, INC., )  
 )  
 )  
 Plaintiff, )  
 )  
 vs. ) No. C02-01991  
 ) JSW (EDL)  
 )  
 GOOGLE, INC., )  
 )  
 )  
 Defendant. )  
 )  
 AND RELATED CROSS-ACTIONS )  
 )

C O N F I D E N T I A L

(Subject to Protective Order  
Outside Counsel Only)

DEPOSITION OF TODD KURT

April 27, 2004

BARBARA DUKE  
CSR 9817  
172782



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1 report could not -- this report or a report similar  
2 to this couldn't have been generated on May 27th  
3 1998, other than the obvious, that it wouldn't be  
4 able to capture projected revenue for May 28, 29,  
5 30 and 31?

6 A No. That data could be -- the only  
7 issue is the client column. As I mentioned before,  
8 it's a little bit difficult to determine exactly  
9 how many unique clients we had.

10 Q Okay. Was data generated prior to May  
11 28th 1998 attempting to show how many clients  
12 goto.com had at a particular time?

13 A I remember us trying to determine that  
14 many times, yeah.

15 Q So it might have been possible to  
16 generate the report, but there might have been some  
17 inaccuracies in the report?

18 A Correct.

19 Q I take it then from this report that the  
20 virtual revenue on May 1st 1998 was \$47.13?

21 A May 31st?

22 Q I'm sorry, May 1st.

23 A May 1st. From this report, yes.

24 Q Do you remember when goto.com first  
25 achieved \$10 in virtual revenue in a single day?

1           A       I remember it happening. I don't  
2 remember a date. I remember us celebrating.

3           Q       Okay. Do you recall it was before May  
4 28th 1998?

5           A       That sounds about right. I would hazard  
6 to say it was sometime in April.

7           Q       How was the data generated to allow  
8 goto.com to conclude that it had generated \$10 in  
9 virtual revenue on that day?

10           MS. THAYER: Objection. Assumes facts  
11 not in evidence.

12           THE WITNESS: One could simply sum up  
13 the bids in the click-through logs and get a value.  
14 Now, that is, as we later learned, not sufficient  
15 because there are many fraudulent clicks that have  
16 to be removed, so it would give a potential maximum  
17 revenue.

18           Q       BY MS. DURIE: Can you describe for me  
19 what you mean by a "fraudulent click"?

20           A       You're a competitor to some company.  
21 You notice that they are advertising on Goto, and  
22 you see that they have a bid amount. You can click  
23 on their link many, many times and thereby  
24 hopefully depleting their account.

25           Q       As of May 28th 1998 did goto.com have a

1 of the testimony given by the witness. (Fed. R. Civ. P.  
2 30(f)(1).)

3 Before completion of the deposition, review of  
4 the transcript [ x ] was [ ] was not requested. If  
5 requested, any changes made by the deponent (and  
6 provided to the reporter) during the period allowed, are  
7 appended hereto. (Fed. R. Civ. P. 30(e).)

8

9 Dated: 5-14-2004,

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Barbara Dule

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